

1 HONORABLE BENJAMIN H. SETTLE
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 WILD FISH CONSERVANCY; and WILD
12 SALMON RIVERS d/b/a THE
13 CONSERVATION ANGLER,

14 Plaintiffs,

15 v.

16 NATIONAL MARINE FISHERIES SERVICE;
17 *et al.*,

18 Defendants.

19 Case No. 3:24-cv-05296-BHS

20 PLAINTIFFS, FEDERAL DEFENDANTS,
21 OREGON DEFENDANTS, AND CLATSOP
22 COUNTY DEFENDANTS' JOINT
23 MOTION TO DISMISS ALL REMAINING
24 CLAIMS

25 NOTE ON MOTIONS CALENDAR:
26 April 14, 2025

27 The remaining parties to this case hereby jointly move to dismiss all remaining claims in
28 this litigation.

29 Four categories of parties remain in this action:

30 1. Plaintiffs Wild Fish Conservancy and Wild Salmon Rivers d/b/a The
31 Conservation Angler (collectively, "Conservation Groups");
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33 2. Defendants National Marine Fisheries Service, Emily Menashes,¹ in her official
34 capacity as the Assistant Administrator for NOAA Fisheries, the U.S. Department of Commerce,
35 and Howard Lutnick, in his official capacity as the United States Secretary of Commerce
36 (collectively, Federal Defendants");

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39 ¹ Various officials have replaced prior officials under Rule 25(d).

1 3. Debbie Colbert, in her official capacity as the Director of the Oregon Department
 2 of Fish and Wildlife, Becky Hatfield-Hyde, in her official capacity as a member of the Oregon
 3 Fish & Wildlife Commission, Leslie King, in her official capacity as a member of the Oregon
 4 Fish & Wildlife Commission, Mary Wahl, in her official capacity as a member of the Oregon
 5 Fish & Wildlife Commission, Robert Spelbrink, in his official capacity as a member of the
 6 Oregon Fish & Wildlife Commission, Mark Labhart, in his official capacity as a member of the
 7 Oregon Fish & Wildlife Commission, Dallas Hall Defrees, in her official capacity as a member
 8 of the Oregon Fish & Wildlife Commission, and VACANT SEAT, in their official capacity as a
 9 member of the Oregon Fish & Wildlife Commission (collectively, “Oregon Defendants”); and

10 4. Clatsop County Fisheries, Steve Meshke, in his official capacity as the Natural
 11 Resources Manager for Clatsop County Fisheries, Clatsop County, Oregon, and Don Bohn, in his
 12 official capacity as the County Manager of Clatsop County Oregon (collectively, “Clatsop
 13 County Defendants”).

14 The Conservation Groups previously resolved their claim against another set of
 15 defendants—Kelly Susewind, in his official capacity as the Director of the Washington
 16 Department of Fish & Wildlife, et al. (collectively, “Washington Defendants”—through a
 17 consent decree entered by the Court. *See* Dkt. No. 75.

18 Since this lawsuit was filed, the National Marine Fisheries Service has issued two new
 19 biological opinions under the Endangered Species Act that are relevant to the existing claims.
 20 *See* Dkt. Nos. 85-1, 90. Due, in part, to those new agency decisions, the Conservation Groups,
 21 Federal Defendants, Oregon Defendants, and Clatsop County Defendants hereby stipulate to and
 22 jointly move for dismissal of all remaining claims, with those parties bearing their own costs and
 23 attorneys fees.²

24 RESPECTFULLY SUBMITTED this 14th day of April 2025.
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 28 ² This motion does not affect the previously resolved claim against the Washington Officials
 29 Defendants or the consent decree pertaining thereto. *See* Dkt. No. 75.

1 **LCR 7(e)(6) Certification:** I certify that this memorandum contains 420 words, in
 2 compliance with the Local Civil Rules.
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JOINT MOTION TO DISMISS REMAINING CLAIMS – 3

Case No. 3:24-cv-05296-BHS

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